

City of



Annapolis

PLANNING COMMISSION

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145 GORMAN STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401

June 6, 2013

**To: Annapolis City Council**

**From: Planning Commission**

**Re: Findings for O-7-13 Establishment of a New Zoning District:  
Waterfront City Dock, Phase One**

**SUMMARY**

Ordinance O-7-13 proposes amendments to Title 21, including the establishment of a new zoning district, in order to implement the recommendations of the City Dock Master Plan.

Text amendments proposed include:

- Establishment of a new Waterfront City Dock (WCD) zoning district with use, bulk regulations, parking, and lot coverage regulations
- Amending the method for measuring height in the Historic District to include a provision related to the flood protection elevation for applicable properties
- Creation of a new class of planned development—the Waterfront Planned Development
- Addition of a new standard for all planned developments that requires them to promote a design that takes into account the historic and cultural context
- Defining the term “Comprehensive Plan” where used throughout the zoning code to be in accordance with the state-mandated definition
- Establishing regulations for the removal of billboard signs

Map amendments proposed include:

- Rezoning of parcels 1246, 1247, 1210, 1255, 1248, and 1256, which are located along Compromise Street, from Waterfront Maritime Conservation (WMC) district to WCD
- Reclassification of the height district for property located in the WCD-MX, Waterfront City Dock Mixed Use zoning subdistrict

The City’s 2009 Comprehensive Plan called for a study of City Dock and consideration of this area as a location for commercial and mixed uses. A detailed sector study, which began in 2010 known as the City Dock Master Plan (CDMP), recommends a rebalancing of this area from automobile-oriented to pedestrian-oriented and additionally makes recommendations about appropriate uses and flood control techniques.

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Following the work of the City Dock Advisory Committee, the City Dock Master Plan was introduced to City Council in November 2012, and Ordinance O-7-13 was introduced on May 13, 2013. O-7-13 proposes a new zoning district that draws on the recommendations of the master plan. It is a sectional zoning map amendment and a zoning text amendment. The density, uses, bulk regulations, and parking requirements for this new zoning district are a combination of the existing regulations and standards in place for the Conservation Business District (C2) and the Waterfront Maritime Conservation (WMC) district.

The new Waterfront City Dock district is divided into two subdistricts: Waterfront City Dock Open Space (WCD-OS) and Waterfront City Dock Mixed Use (WCD-MX). The uses allowed in the WCD-OS zone would largely be limited to open space activities. These could include accessory sidewalk cafés, outdoor market activities, and temporary uses and structures in addition to public open spaces and parks/plazas. The WCD-MX zone would allow a broad array of land uses, including multiple family residential, hotel, retail, restaurants, and many maritime uses.

### **STAFF RECOMMENDATION**

At a regularly scheduled meeting on June 6, 2013, the Planning and Zoning staff presented their analysis and recommendations for approval of the legislation.

Staff reviewed the background of the proposed ordinance and then provided an analysis. This information was forwarded to the Planning Commission for review in a report dated May 28, 2013.

### **PUBLIC HEARING AND DELIBERATION**

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed text amendment. Several members of the public spoke on the legislation.

At the close of the public hearing, the Planning Commission entered into deliberations. The Commission concurred with staff and found the proposed ordinance consistent with the City Dock Master Plan and the Comprehensive Plan.

### **PLANNING COMMISSION REQUIRED FINDINGS**

In accordance with Section 21.34.040 of the City Code, the Planning Commission shall find that the adoption of the amendment is in the public interest. The Planning Commission shall make findings on the following points:

- A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.

*The existing zoning classification is Waterfront Maritime Conservation (WMC) and the current uses of the property are parking lots and a vacant building. There are also nearby commercial properties. The proposed zoning district would be compatible with the uses and zoning in the general vicinity.*

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B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.

*See the City Dock Master Plan—the property is suited to the proposed uses. The uses allowed in the proposed district are very similar to those allowed in the neighboring C2 zoning district.*

C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.

*The proposed zoning is compatible with existing uses and the uses in the adjacent zoning district.*

D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.

*As discussed in the City Dock Master Plan, there has been a shift that requires a more balanced approach to development in City Dock that permits infill development but encourages more open space amenities for pedestrians and bicyclists.*

E. The availability of public facilities, present and future transportation patterns.

*Public facilities and transportation patterns can accommodate the proposed zoning changes.*

F. The relationship of the proposed amendment to the City's Comprehensive Plan.

*The City Dock Master Plan has been found to be consistent with the City's Comprehensive Plan.*

**RECOMMENDED AMENDMENTS**

The Planning Commission recommends nine technical amendments that help to clarify new language:

***Amendment 1: Page 11, line 11***

**Change:** "...FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION 21.50.315 ..."

**to:**

"...FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION ~~21.50.315~~  
21.50.280 ..."

**Explanation: Wrong section number given**

***Amendment 2: Page 13, line 22***

**Change:** "THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20."

**to:**

"THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20 AND SECTION 21.06.040.

**Explanation:** Additional cross-reference provided to clarify limits of the Board of Appeals ability to alter zoning lines. Section 21.06.040 - *Lots divided by zoning district boundaries* states:

Where a district boundary divides a tract in single ownership, the Board of Appeals, in accordance with the procedures established in Division II, Chapter 21.20 may approve an application to extend the regulations for either portion of the tract to any contiguous portion of the tract included in a zoning district listed in the same subsection of Section 21.06.010 as the regulations being extended; provided, however, that the Board shall not extend the regulations to an extent greater than twenty percent of the total area of the tract or five thousand square feet, whichever is less.

***Amendment 3: Page 14, line 18***

**Change:** "PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130."

**to:**

"PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130 FOR THAT TYPE OF USE."

**Explanation:** Additional clarification

***Amendment 4: Pages 15-18***

**Change:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
CANDY STORES, INCLUDING CANDY MAKING	P	
ICE CREAM SHOPS	P	
RESTAURANTS, STANDARD	P	
WINE BARS	P	

**to:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
CANDY STORES, INCLUDING CANDY MAKING	<u>P-STD</u>	
ICE CREAM SHOPS	<u>P-STD</u>	
RESTAURANTS, STANDARD	<u>P-STD</u> <u>S-STD</u>	
WINE BARS	<u>P-STD</u>	

**Explanation:** Candy stores, ice cream shops, standard restaurants, and wine bars are required to meet certain standards in other zoning district. If not part of a planned development, outdoor dining is a special exception for restaurants.

***Amendment 5: Page 17***

**Change:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL	P	

**to:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL	P	P

**Explanation:** Outdoor dining is an accessory use for restaurants, with specific standards listed in Section 21.64.540 under “Restaurants, standard” (see Amendment 6, below).

***Amendment 6: New Text***

21.64.540 - Restaurants, standard.

Standard restaurants are subject to the general standards for food and beverage-related uses. The following additional standards apply:

...

E. WCD AND MX District. In the WCD AND MX district:

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1. The following are permitted by right:
  - a. Any number of seats,
  - b. Alcohol with the service of food,
  - c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d.,
  - d. Accessory bars.
2. Dancing and live entertainment may be permitted by special exception.
3. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.C.3.d.

**Explanation: This amendment clarifies that the standards for restaurants in the WCD are the same as those in the MX District.**

***Amendment 7: Page 21***

**Change:**

YARDS (MINIMUM)				
				REAR (FT) <sup>3</sup>
				50

<sup>3</sup>THE MINIMUM SETBACK FOR LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE, MEASURED PARALLEL TO THE SHORELINE, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES

**to:**

YARDS (MINIMUM) <sup>3</sup>				
				REAR (FT) <sup>3</sup>
				50 <u>0</u>

<sup>3</sup>SETBACK ALONG MARKET SLIP. THE MINIMUM SETBACK FOR ALL BUILDINGS, STRUCTURES, AND USES ESTABLISHED ALONG MARKET SLIP SHALL OBSERVE A SETBACK OF NOT LESS THAN 45 ~~LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE~~ BULKHEAD, MEASURED PARALLEL TO THE ~~SHORELINE~~ BULKHEAD, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES

**Explanation:** The intent of this footnote is to ensure a 45-foot setback from Market Slip to a new building. This setback could pertain to the rear, side, or front of a building. The term “bulkhead” is more appropriate in this situation.

***Amendment 8: Pages 21- 22***

**Change:**

COVERAGE, HEIGHT, FLOOR ARE RATIO (MAXIMUM)		
HEIGHT (FT) <sup>4</sup>	FLOOR AREA RATIO <sup>5</sup>	LOT COVERAGE (%)
*	5	100

<sup>5</sup> FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.

**to:**

COVERAGE, HEIGHT, FLOOR ARE RATIO (MAXIMUM)		
HEIGHT (FT) <sup>4</sup>	FLOOR AREA RATIO <sup>5</sup>	LOT COVERAGE (%)
*	5 <u>Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24</u>	100 <u>Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24</u>

~~<sup>5</sup> FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.~~

**Explanation:** It is not necessary to set a FAR because this is restricted by height and design considerations. Lot coverage is restricted by Critical Area overlay requirements, which are proposed to be 90% for this zoning district. Both FAR and lot coverage can be determined through design review.

***Amendment 9: New Text***

Section 21.66.130 - Table of off-street parking requirements.

**Table Notes:**

...

4. WCD, C2 or C2A Districts. Off-street parking facilities are not required in the WCD, C2 or C2A districts except that uses containing 20,000 square feet or more of floor area must provide 20 parking spaces, plus one space for each additional 500 square feet of floor area.

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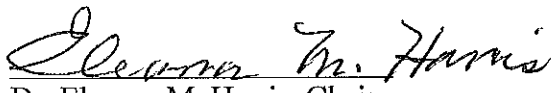
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**Explanation: Parking requirements for the WCD District will be the same as those for C2 and C2A.**

**RECOMMENDATION**

Having made the above findings, the Planning Commission, by a vote of 5/6  $\Delta$  recommends approval of the proposed ordinance O-7-13 with nine amendments.

Adopted June 6, 2013

  
Dr. Eleanor M. Harris, Chair